

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | CV 08-08646 RGK (CWx) | Date | January 28, 2010 |
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| Title | ESTRELLA VICENCIO v. LABOR READY SOUTHWEST, INC. |
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| Present: The Honorable | R. GARY KLAUSNER, U.S. DISTRICT JUDGE |
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Sharon L. Williams

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: **(IN CHAMBERS)** Order Remanding Action to State Court

On December 1, 2008, Plaintiff Estrella Vicencio ("Plaintiff") filed a class action suit in Los Angeles County Superior Court against Defendants Labor Ready Southwest, Inc. and Trueblue, Inc. ("Defendants"). On December 31, 2008, Defendants removed this action to federal court based on diversity jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) ("CAFA"). On January 8, 2010, the Court denied Plaintiff's Motion for Class Certification, changing the status of this case to an individual action, rather than a class action under CAFA.

In light of its status as a non-class action suit, the case is subject to the regular rules of diversity jurisdiction. Under the regular rules of diversity, the amount in controversy must meet the minimum jurisdictional amount of \$75,000. The Court has reviewed the evidence submitted in support/opposition to Defendants' Motion for Summary Judgment. Viewing the facts in a light most favorable to Plaintiff, the Court finds that, even if Plaintiff prevailed on all claims asserted against Defendants, the monetary award (including reasonable attorneys fees) would not reach the jurisdictional requirement.

Based on the foregoing, the Court hereby remand the action to state court for all further proceedings.

IT IS SO ORDERED.

Initials of Preparer

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